

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

22-08369 BKOBJ01  
BROCK & SCOTT, PLLC  
302 Fellowship Rd, Suite 130  
Mount Laurel, NJ 08054  
(844) 856-6646  
Attorneys for U.S. Bank National Association

In Re:

NAT S AMADEO  
DENISE M AMADEO

Case No: 22-13537-CMG

Hearing Date: June 15, 2022

Judge: CHRISTINE M.  
GRAVELLE

Chapter: 13

**OBJECTION TO CONFIRMATION  
OF DEBTORS' CHAPTER 13 PLAN**

U.S. Bank National Association ("Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtors' Chapter 13 Plan* [DE 4], and states as follows:

1. The Debtors filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on April 29, 2022.
2. Creditor holds a security interest in the Debtors' real property located at 1162 Sylvan Dr, Toms River, NJ 08753 (the "Property"), by virtue of a Mortgage.
3. The Debtors filed a Chapter 13 Plan (the "Plan") on April 29, 2022 [DE 4].
4. Debtors' Plan provides for funding based on a potential Loan Modification, to be completed within six (6) months after confirmation. Debtors' Plan is speculative in nature in that the Plan contemplates curing the arrears through a Loan Modification that has neither been offered nor approved.

5. The Plan does not include payments toward the pre-petition default of the Note and Mortgage with Creditor. Although Creditor has not yet filed its Proof of Claim, it is anticipated that the claim will include pre-petition arrearage due to Creditor totaling \$164,179.45.

6. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Creditor objects to any plan which proposes to pay it anything less than \$164,179.45 as the pre-petition arrearage over the life of the plan.

**WHEREFORE**, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Matthew Fissel

Matthew Fissel, NJ Bar No. 038152012  
Andrew Spivack, NJ Bar No. 018141999  
Jay Jones, NJ Bar No. 972011  
Attorney for Creditor  
BROCK & SCOTT, PLLC  
8757 Red Oak Boulevard, Suite 150  
Charlotte, NC 28217  
Telephone: (844) 856-6646  
Facsimile: (704) 369-0760  
E-Mail: NJBKR@brockandscott.com

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**CERTIFICATION OF SERVICE**

1. I, Cassondra Emanuel:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents U.S. Bank National Association in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On May 31, 2022, I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO CONFIRMATION OF DEBTOR(S)' CHAPTER 13 PLAN

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: May 31, 2022

/s/ Cassondra Emanuel  
Cassondra Emanuel

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
NAT S AMADEO 1162 SYLVAN DR TOMS RIVER, NJ 08753-3046	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
DENISE M AMADEO 1162 SYLVAN DR TOMS RIVER, NJ 08753-3046	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
WILLIAM H. OLIVER, JR OLIVER & LEGG, LLC 2240 STATE HIGHWAY 33, SUITE 112 NEPTUNE, NJ 07753	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered

<p>Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853</p>		<p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>
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\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.